IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL BAIL APPLICATION NO. 2047/2007
(Chainaram V/s State of Rajasthan)

Date of Order : 19/07/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. H.R.Bishnoi, for the petitioner.

Mr. Vishnu Kachhawaha, P.P.

BY THE COURT:-

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that co-accused Kishan Lal has been granted bail by Co-ordinate Bench of this Court vide order dated 1.7.2006.

Learned public prosecutor opposed the bail.

From the perusal of the order passed by the Special Judge, N.D.P.S. Cases, Udaipur, it appears that a Car bearing No. RJ-19C 0876 was intercepted by the police as the police had secret information regarding transporting illicit contraband poppy

straw. Despite the efforts by the police, the petitioner who was driver of the Car broke the Nakabandi and fled away. The said car was chased by the police party however, one of the occupant of the car was caught on the spot and petitioner Chainaram who is said to be the driver of the car fled away. It appears from the record that the petitioner who was driver of the car carrying contraband poppy straw is also owner of said car as he has purchased the Car from one Mohd. Shahjad. Thus, the petitioner is alleged to be the owner and driver of the car which was found to be carrying 132 kg. poppy straw. The quantity recovered is commercial quantity. The petitioner absconded and therefore, the police filed the challan against the petitioner after having been declared absconding under Section 299 Cr.P.C. However, subsequently, the petitioner was arrested and produced before the trial court and is presently under judicial custody.

Keeping in view the provision of Section 37 of the NDPS Act, in my view, it cannot be said at this stage from the material available on the record that there are reasonable grounds for believing that the petitioner is not guilty of such offence and he is not likely to commit any offence while on bail. On the contrary, there are every possibility of the petitioner absconding after bail as is prima-facie evident from record and order impugned that he remained absconded earlier and challan was filed under Section 299 Cr.P.C.

In this view of the matter, in my view, it is not at all a fit case to grant bail to the petitioner. The bail application is therefore, dismissed.

(H.R.PANWAR),J.

rp